

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.,  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL 2327

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THIS DOCUMENT RELATES TO THE  
CASE(S) IN THE EXHIBIT ATTACHED HERETO

**INACTIVE DOCKET ORDER**  
**(Multi-Defendants)**

The court has been advised by all counsel that in the cases listed on the attached Exhibit A, the plaintiffs and all named defendants, as listed in the captions of those cases on the docket sheet, have reached a settlement. The court, therefore, finds it unnecessary to conduct further proceedings or to keep these cases on the active docket. Accordingly, the court **ORDERS** as follows:

1. All discovery deadlines are continued until further order of the court.
2. That the Clerk retire each of the cases listed on the attached Exhibit A from the active docket.
3. Plaintiffs and each defendant may submit a Joint Motion to Dismiss with prejudice on or before August 31, 2018; otherwise the cases on Exhibit A will be dismissed without prejudice absent a request to the Court for an extension of the deadline. It is not necessary for the parties to submit one dismissal that includes all defendants. If a plaintiff(s) and a defendant have completed the settlement process and finalized everything necessary to dismiss the defendant, then the plaintiff(s) and that particular defendant may submit a Joint Motion to Dismiss for that particular defendant. The court is aware that counsel have agreed to a settlement model for a group of cases and claims, including those on Exhibit A. The court will reinstate any case on the attached Exhibit

A to the active docket if one of the parties, on motion, shows good cause for such reinstatement. Such motion shall be made within 5 days of rejection of the settlement. Any reinstated case, including all remaining defendants, will be subject to an expedited docket control order.

The court notes that in some cases counsel have represented that they are authorized by the plaintiffs on the attached exhibits to act on the plaintiffs' behalf with respect to settlement matters. Once settlements are finalized, dismissal orders must be signed by counsel of record.

The court **DIRECTS** the Clerk to file a copy of this order in MDL No. 2327 and in the individual cases listed on the attached Exhibit A. The Clerk is further **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented party.

Respectfully:

/s/ Erik W. Legg  
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*Attorney for Plaintiffs \**

*\*Counsel represent that they are authorized by plaintiffs on the attached exhibits to act on their behalf with respect to settlement matters, and request that these plaintiffs' cases be placed on the inactive docket pending the finalization of their settlements.*

Dated: \_\_\_\_\_

**EXHIBIT A – ETHICON, INC. AND AMERICAN MEDICAL SYSTEMS, INC.**

**Marlin & Saltzman**

| <b>CIVIL ACTION NUMBER</b> (listed numerically in ascending order) | <b>CASE NAME</b>              | <b>Plaintiff's Counsel signing this Inactive Docket Order (Multi-Defendants)</b> |
|--|-------------------------------|--|
| 2:12-cv-09490  | Marston v Ethicon, Inc. et al | Donald A. Migliori,<br>Motley Rice LLC   |